

AN ORDINANCE BY  
COUNCIL MEMBER ANNE FAUVER

08-0-0505

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE VIII, SUBSECTION 106-802(c) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO ALLOW THE CITY OF ATLANTA ("CITY"), IN ITS SOLE DISCRETION, TO REMOVE GRAFFITI FROM PRIVATE PROPERTY AT NO COST TO THE PROPERTY OWNER; AND FOR OTHER PURPOSES.

**WHEREAS**, the City of Atlanta ("City") recognizes that graffiti is a public nuisance and is destructive of the rights and values of property owners residing within the City limits; and

**WHEREAS**, Chapter 2, Article VIII, Subsection 106-802 prohibits any person (s) from applying graffiti to any private or public property; and

**WHEREAS**, the City further recognizes that property owners are innocent victims of criminal trespass; and

**WHEREAS**, the City wishes to amend Chapter 2, Article VIII, Subsection 106-802 (c) to allow the City, in its sole discretion, to remove graffiti from private property at no cost to the owner, subject to the appropriate waivers by the Department of Planning and Community Development, Bureau of Neighborhood Conservation.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**Section 1:** That Chapter 2, Article VIII, Subsection 106-802 (c) of the Code of Ordinances of the City of Atlanta, which reads:

- "(a) No property owner or operator shall be subject to a fine or punishment for the presence of graffiti on such property or for the removal of graffiti on such property or for the removal of graffiti from such property."

Is hereby amended to read as follows:

- (a) No property owner or operator shall be subject to a fine or punishment for the presence of graffiti on such property or for the removal of graffiti on such property or for the removal of graffiti from such property. Further, should such property owner so request on forms to be provided by the Department of Planning and Community Development, Bureau of Neighborhood Conservation, and subject to appropriate waivers by the Department of Planning and Community Development, Bureau of Neighborhood Conservation, the City in its sole discretion, may elect to remove the graffiti at no cost to the property owner.

**Section 2:** That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived for the purposes of this Ordinance only, and only to the extent of the conflict.